

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CCO-00 CIAE-00 OTPE-00 FCC-03

INR-11 NSAE-00 OC-06 RSC-01 COME-00 L-03 DRC-01 /062 W
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R 191625Z JUL 74

FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 4028

LIMITED OFFICIAL USE OTTAWA 2285

E.O. 11652: N/A
TAGS: ETEL, CA
SUBJECT: TELECOMMUNICATIONS: CABLE TV--DELETION/SUBSTITUTION

REF: (A) STATE 085743, (B) OTTAWA 1303

1. ALMOST THREE MONTHS HAVE NOW PASSED SINCE DELIVERY OF OUR NOTE REQUESTING SUSPENSION AND REVERSAL OF CANADIAN RADIO-TELEVISION COMMISSION (CRTC) DELETION/SUBSTITUTION POLICY WHILE REVIEW OF POLICY UNDERWAY (SEE REFTELS). IN MEANTIME, CRTC ISSUED ITS DECISION IN ROGERS CASE (OTTAWA 1376) AND MORE RECENTLY INCLUDED DELETION/SUBSTITUTION LANGUAGE IN DECISIONS RESPECTING TWO BRITISH COLOMBIA CABLE TV SYSTEMS (OTTAWA 2235). NO RESPONSE TO OUR NOTE, DATED APRIL 29, HAS BEEN FORTHCOMING FROM GOC. INSTEAD, WE GET VAGUE BUT NON-COMMITTAL RESPONSES TO OUR INFORMAL INQUIRIES AS TO WHEN AN ANSWER MAY BE EXPECTED FROM FULFORD (EXTAFF) AND RABINOVITCH (DEPT OF COMMUNICATIONS). IN VIEW COURT ACTIONS BROUGHT BY AFFECTED BUFFALO STATIONS AGAINST ROGERS AND AGAINST CRTC (OTTAWA 2254), TCO HAS BEEN HESITANT TO PRESS TOO HARD IN THESE INQUIRIES.

2. GOC'S APPARENT RELUCTANCE AND LIMITED POWER TO INTERVENE IN CRTC AFFAIRS (OTTAWA A-257) CONTINUES TO BE JAMOR STUMBLING BLOCK. ENACTMENT OF LONG-AWAITED LEGISLATION TO FUSE CRTC WITH TELECOMMUNICATIONS

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COMMITTEE OF CANADIAN TRANSPORT COMMISSION (OTTAWA 0807

AND A-257) AND DEPARTURE OF CRTC CHAIRMAN PIERRE JUNEAU, WHO ACCORDING TO PRESS SPECULATION MAY BE OFFERED MORE RESPONSIBLE JOB IN EXPECTED POST-ELECTION POLITICAL SHUFFLE--IF THEY OCCUR--COULD OFFER GOC GREATER OPPORTUNITY TO INTERVENE IF IT CHOSE TO DO SO. HOWEVER, WITH PARLIAMENT NOT SCHEDULED TO RECONVENE UNTIL SEPTEMBER 30, IT IS DOUBTFUL THAT THERE WILL BE BASIC CHANGE INSITUATION BEFORE END OF YEAR. IN MEANTIME, ACTIONS PREJUDICIAL TO US INTERESTS LIKELY TO CONTINUE.

3. EMBASSY SUGGESTS, IF NO REPLY RECEIVED BY EARLY AUGUST, IT MIGHT BE USEFUL SUBMIT FURTHER NOTE TO EXTAFF, DRAWING ATTENTION TO CONTINUED ACTIONS BY CRTC GIVE EFFECT DELETION/SUBSTITUTION POLICY AND EXPRESSING DISAPPOINTMENT GOC NOT WILLING MEET US CONCERN EVEN ON INTERIM BASIS. BEFORE TAKING SUCH ACTION IT WOULD BE USEFUL FOR DEPT. TO CONSULT WASHINGTON COUNSEL FOR BUFFALO STATIONS TO DETERMINE WHETHER IN HIS VIEW ANY SUCH NOTE LIKELY POSE PROBLEMS IN COURT CASES. (OTTAWA ATTORNEY THINKS IT WOULD NOT AFFECT CASES.) IT WOULD ALSO BE USEFUL TO ASCERTAIN WHETHER SPOKANE AND PERHAPS OTHER US STATIONS Affected BY CRTC'S RULINGS ON DELETION/SUBSTITUTION AT CALGARY AND TORONTO (OTTAWA 1081, PARAS. 1 AND 3) ARE TAKING OR CONTEMPLATING ANY COURT ACTION. EMBASSY IS UNAWARE OF ANY LOCAL ATTORNEY REPRESENTING THEIR INTERESTS.
JOHNSON

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